

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 72621

Lamont T. Burck
Pamela C. Burck

3033 Salem Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 18, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) §101, 102.1, 1B01.1, 428, 1B01.1D, failure to cease illegal parking/storage of unlicensed/inoperable vehicles, failure to remove open dump, junk yard conditions, failure to remove commercial vehicle on residential property zoned RC6 known as 3033 Salem Road, 21244.

On April 20, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Paul Cohen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$58,200.00 (fifty eight thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Lamont Burck, Respondent and, Paul Cohen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on January 15, 2010 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, remove commercial vehicles, remove contractor's equipment storage yard from this residential property. This Citation was issued on April 20, 2010.

B. Inspector Paul Cohen testified that his initial inspection on January 14, 2010 found more than twenty untagged and inoperative motor vehicles, including commercial vehicles, and open dump conditions with junk, trash, debris and automobile parts piled outside. He met with Respondent in February 2010 and March 2010, and granted his request for additional time to clean up the property. Inspector Cohen further testified that there are also at least ten old vehicles parked in the woods behind the house. Re-inspection on April 20, 2010 found twenty-two vehicles on the property; many have tags but none of them appear to be operable. Some cars appear to have been there for years. Re-inspection on May 14, 2010 found the vehicles still on the property.

C. Photographs in the file show numerous old vehicles parked outside on Respondents' residential property. Some have visible crash damage. All appear rusty and inoperative. Some are covered by weeds or by tarpaulins. There is an old commercial dump truck, full of junk and debris, with high grass growing around it. There are piles of junk, trash and debris, including automobile parts and old tires and metal oil drums.

D. Respondent Burck testified that he collects cars. He thought it was okay to store the cars outside. He testified that he will remove them if required, and requested 6-8 months of additional time.

E. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation, and have created a junkyard, which is prohibited on residential property. Respondents must put valid tags on each vehicle and make it operable, or remove it from the property.

F. Respondents must also remove all commercial vehicles from the property, even if they are licensed and operable. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1.

G. The piles of junk, trash and debris on the property, including old auto parts and oil drums, violate prohibitions against the accumulation of junk, trash and debris on residential property. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

H. Because compliance is the goal of code enforcement, and because the file does not show a prior history of code violations at this property, the civil penalty will be rescinded if the violations are corrected within the time provided below. If the violations are not corrected, the County will be authorized to enter the property to remove all unlicensed, inoperable, and/or commercial vehicles, and to remove all junk, trash and debris, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by July 14, 2010.

IT IS FURTHER ORDERED that after July 14, 2010, the County may enter the property for the purpose of removing all untagged or inoperable motor vehicles, all commercial vehicles, and all junk, trash, and debris, at Respondents' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 24th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.